UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/113,747	07/10/1998	ANDREA BASSO	1-3-66-7	8396

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S H DWORETSKY
AT & T CORP
P O BOX 4110
MIDDLETOWN, NJ 07748

EXAMINER
BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
2611	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/113,747	BASSO ET AL.
	Examiner	Art Unit
	KIEU-OANH T BUI	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 July 2002* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

U.S. Patent and Trademark Office
PTO-326 (Rev. 04-01)   Office Action Summary   Part of Paper No. 8

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-53 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> *A person shall be entitled to a.patent unless --*
> *(e) the invention was described in a patent granted on an application for patent by another filed in the*
> *United States before the invention thereof by the applicant for patent, or on an international application by*
> *another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title*
> *before the invention thereof by the applicant for patent.*
>
> *The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not*
> *apply to the examination of this application as the application being examined was not (1) filed on or after*
> *November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is*
> *examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).*

3.   Claims 1-4, 6-7, 10-17, 19-20, 23-30, 33-39, 42-48, and 51-53 are rejected under 35

U.S.C. 102(e) as being anticipated by Goetz et al. (U.S. Patent No. 5,928,330/ or "Goetz"

hereinafter).

Regarding claim 1, Goetz discloses "a computer-readable medium storing instructions

adapted to be executed on a processor, to: (a) display, at a receiver, received data; (b) analyze, at

the receiver, the quality of the displayed data; (c) formulate, at the receiver and based on the

analysis in step (b), a media-parameter suggestion for an encoder to alter the characteristics of

data to be sent to the receiver, and (d) send, from the receiver, the formulated suggestion", i.e.,

Goetz discloses a multimedia distribution system to a client i.e., a receiver such as a PC with a

display monitor (col. 10/lines 37-63) and as being a computer readable medium for storing

instructions (as illustrated from Figs. 1-7), from a server 920 (as illustrated in Fig. 9) wherein the

multimedia files can be streaming accordingly or adjusting appropriately according to network's

characteristics (col. 4/lines 34-54) or to user's preferences (col. 8/lines 40-50) the client or the user can change or alter the characteristics of data to be sent to him/her by suggesting or requesting some parameter suggestions, for example, changing the desired rate of transmission between the user's device and the server for receiving multimedia files (col. 11/lines 27-48), and the formulated suggestion or user requests for quality presentations can be obtained by sending the requests to the server, and the server sends the requested data to the user terminal (col. 3/lines 1-35; Figs. 10 & 11, and col. 10/line 64 to col. 12/line 13 for details on procedures for the client how to request quality presentations being displayed on the client's device from the server).

As for claim 2, Goetz discloses "the storing instructions adapted to be executed on a processor to: (e) receive, at the receiver, a user preference to be used in the analysis in step (b)", i.e., user preferences are used for opening presentations at the user terminal based on the earlier

As for claim 3, Goetz further discloses "wherein the instruction (a) to display data includes instructions adapted to be executed by a processor to display, at the receiver, audiovisual data", i.e., audiovisual data or multimedia data is addressed (col. 1/lines 25-38).

As for claim 4, Goetz teaches "wherein the instruction (b) to analyze the quality of the displayed data includes instructions adapted to be run on the processor to analyze, at the receiver, the system load", i.e., the system load or system capacity is of concern for an effective solution as the object of this system (col. 2/lines 26-55).

As for claim 6, Goetz further teaches the step of "wherein the instruction c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions that include: (I) send timing information identifying the point in time where the data was collected; and (ii) send timing information identifying the point in time when the suggested action should be honored" by disclosing the timing information must be provided in order to provide the synchronization for the transmission of multimedia stream (col. 1/line 58 to col. 2/line 14).

As for claim 7, Goetz further discloses "wherein the instruction c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: (I) alter the frame rate", i.e, different frame rates can be requested and performed (col. 8/lines 40-50; col. 10/lines 18-35; col. 11/lines 27-48).

As for claim 10, Goetz shows the step of "wherein the instruction c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: (I) alter audio channel characteristics", i.e., language or rate of audio can be changed (col. 6/lines 10-30).

As for claim 11, Goetz further discloses the step of "wherein the instruction c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: (I) alter the graphics hardware load", i.e., the graphics hardware load or the graphics presentations to viewers can be changed, i.e., multiple copies can be sent (col. 10/lines 18-35).

As for claim 12, Goetz discloses "wherein the instruction c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: (I) alter the CPU load", i.e., the CPU load or the system capacity can be altered (col. 2/lines 35-55).

As for claim 13, Goetz further disclose "wherein the instruction c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions that include: (I) altering the RAM amount available", i.e., a RAM is addressed for storing packets containing multimedia information (col. 7/lines 19-39).

Regarding claims 14-17, 19-20 and 23-26, these claims for "a method of transmitting data from a sender to a receiver across a network comprising: (a) displaying, at the receiver, received data; (b) analyzing, at the receiver, the quality of the displayed data; c) formulating, at the receiver and based on the analysis in step (b), a media-parameter suggestion for an encoder to

alter the characteristics of data to be sent to the receiver; and (d) sending, from the receiver, the formulated suggestion to alter the quality of the received data" with same limitations as earlier cited are rejected for the reasons given in the scope of claims 1-4, 6-7 and 10-13 as already disclosed in details above.

Regarding claims 27-30 and 33-35, these claims for "a method for transmitting data across a network comprising: a) transmitting data to a receiver; b) receiving a suggestion to alter the transmitted data; c) selecting, based on the received suggestion, an action to alter the data; and d) altering the transmitted data" with same limitations as earlier cited are rejected for the reasons given in the scope of claims 1-4, 6-7 and 10-13 as already disclosed in details above.

Regarding claims 36-39 and 42-45, these claims for "an apparatus for transmitting data from a sender to a receiver across a network comprising: (a) a processor; (b) a port coupled to said processor; and c) a memory coupled to said processor and said port, storing instructions adapted to be run on said processor to: (I) display, at the receiver, received data; (ii) analyze, at the receiver, the quality of the displayed data; (iii) formulate, at the receiver and based on the analysis in (ii), a media-parameter suggestion for an encoder to alter the characteristics of data to be sent to the receiver; and (iv) send, from the receiver, the formulated suggestion to alter the quality of the received data" with a host interface as a port for interfacing to other components of the network (Fig. 10/item 920) and with same limitations as earlier cited are rejected for the reasons given in the scope of claims 1-4, 6-7 and 10-13 as already disclosed in details above.

Regarding claim 46-48 and 51-53, these claims for "an apparatus for transmitting data from a sender to a receiver across a network comprising: (a) a processor; (b) a port coupled to said processor; and c) a memory coupled to said processor and said port, storing instructions adapted to be run on said processor to: (I) transmit data to a receiver; (ii) receive a suggestion to alter the transmitted data; and (iii) selecting, based on the received suggestion, an action to alter the data; and (iv) altering the transmitted data" with a host interface as a port for interfacing to

other components of the network (Fig. 10/item 920) and with same limitations as earlier cited are

rejected for the reasons given in the scope of claims 1-4, 6-7 and 10-13 as already disclosed in

details above.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth*
> *in section 102 of this title, if the differences between the subject matter sought to be patented and the prior*
> *art are such that the subject matter as a whole would have been obvious at the time the invention was made*
> *to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be*
> *negatived by the manner in which the invention was made.*

This application currently names joint inventors. In considering patentability of the
claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various
claims was commonly owned at the time any inventions covered therein were made absent any
evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out
the inventor and invention dates of each claim that was not commonly owned at the time a later
invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103©
and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.   Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz et

al (US Patent No. 5,928,330) in view of Pocock et al (U.S. Patent No. 5,014,125).

As for claims 5 and 18, Goetz does not further address the detailed components of the

client receiver as claimed; however, Pocock shows "wherein the instruction (b) to analyze the

quality of the displayed data includes instructions adapted to be run on the processor to: (I)

analyze, at the receiver, component load, wherein a component is chosen from the set comprising

a central-processing unit, a graphics card, and a texture-mapping engine" (Fig. 4/item 94 for a

CPU; Fig. 4/item 86 for video processor and Fig. 5/item 118 for a graphics generator (within a

graphics card); and col. 8/line 61 to col. 9/line 14 for a method of creating commands with alpha-

numeric keys in commands as a texture-mapping engine). Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to modify Goetz's

technique with well-known and must-have features of a PC such as a CPU, a graphics card and a

texture-mapping engine as one of Pocock in order to perform the mentioned activities or

analyzing the quality of displayed data as noted.

6.   Claims 8-9, 21-22, 31-32, 40-41, and 49-50 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Goetz et al (US Patent No. 5,928,330) in view of Volk et al (U.S. Patent No.

5,673,401/ or "Volk" hereinafter).

        Regarding claims 8-9, 21-22, 31-32, 40-41, and 49-50, Goetz does not clearly show the

computer-readable medium as of claim 2 wherein the instruction c) to formulate a media-

parameter suggestion includes instructions adapted to be run on the processor to formulate

media-parameter suggestions to: "alter the color depth and alter the window size"; however,

Volk teaches the same technique of providing interactive two-way multimedia information data

to users. In fact, Volk teaches an enhanced user interface that allows users to customize the

control item via a user input device (Volk, col. 5/line 20-60). Volk clearly teaches an enhanced

technique of altering the color depth and the window size of the user interface at the user

terminal (col. 18/lines 10-30; col. 28/line 64 to col. 29/line 14 for altering the "window size";

and col. 33/lines 45-55 for altering the "color depth"). Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Goetz's interactive

multimedia presentation system with Volk's teaching technique of altering the window size and

the color depth as additional tools for customizing the user interface as revealed by Volk as

preferred.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wang et al. (US Pat. No.5,867,230) disclose a system , device, and method for streaming a multimedia file endcoded at a variable bitrate.

Chaddha (US Pat. No.6,233,017B1) disclose a multimedia compresion system with adaptive block sizes.

Branstad et al. (US Pat. No.5,537,408) disclose an apparatus and method for segmentation and time synchronization of the transmission of multimedia data.

8.   **Any response to this action should be mailed to:**
                Commissioner of Patents and Trademarks
                Washington, D.C. 20231

        or faxed to:

                (703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park 99. 2121 Crystal Drive. Arlington. VA.. Sixth Floor (Receptionist).

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to Technology Center 2600 Customer Service Office whose telephone number

is (703) 306-0377.

Krista Bui
Art Unit 2611
September 23, 2002

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600